

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

LOUIS DANIEL SMITH, also known  
as Daniel Smith, also known as Daniel  
Votino; KARIS DELONG, also known  
as Karis Copper; TAMMY OLSON;  
and CHRIS OLSON,

Defendants.

NO: 13-CR-14-RMP

ORDER DENYING DEFENDANT  
SMITH'S MOTION TO STAY OR  
FOR RECONSIDERATION

BEFORE THE COURT is Defendant Louis Daniel Smith's "Motion to Stay the District Court's Disclosure Order Pending a Petition for a Writ of Prohibition from the Ninth Circuit, or in the Alternate, a Motion for Reconsideration," ECF No. 313. The Court has considered the motion and the file and is fully informed.

Defendant Smith argues that the Court erred in ordering that the Government release all discovery to the codefendants, including emails that were obtained that arguably are beyond the scope of the search warrant in this case. The Court

1 previously held that information that the Government obtained from Google, Inc.,  
2 that predated the August 11, 2007, restriction contained in the search warrant  
3 protocol is not admissible at trial. ECF No. 275. Defendant Smith successfully  
4 argued the scope of the search warrant in his motion to suppress evidence, ECF  
5 No. 229-1, and the Government conceded the point in its response, ECF No. 230 at  
6 12-13.

7 It appears that Defendant Smith is now contending that the Government  
8 should not have to disclose any information obtained pursuant to the Google search  
9 warrant that fell outside of the search warrant protocol. However, Defendant  
10 Smith, along with the other defendants in this case, has previously requested that  
11 the Government produce mirror images of everything obtained from Google.  
12 Defendant Smith has filed several motions requesting sanctions contending that the  
13 Government failed to produce every bit of information that it had in its possession.  
14 See ECF Nos.190, 205, 216.

15 The Government has a constitutional obligation to disclose all material  
16 exculpatory evidence to the defendants in this case, including to Mr. Smith's  
17 codefendants. *See, e.g., Strickler v. Greene*, 527 U.S. 263, 280-81 (1999). The  
18 Government is not relieved of its obligation to disclose simply because some of the  
19 material may not be admissible or offered by the Government at trial. *See, e.g.,*  
20 *United States v. Price*, 566 F.3d 900, 911-12 (9th Cir. 2009). The Court rejects

1 Defendant Smith's current complaint that the Government is releasing too much  
2 discovery while the Government is attempting to meet its obligations to the other  
3 defendants in this case by disclosing all non-privileged materials obtained from  
4 Google.

5 Accordingly, **IT IS HEREBY ORDERED** that Defendant Smith's "Motion  
6 to Stay the District Court's Disclosure Order Pending a Petition for a Writ of  
7 Prohibition from the Ninth Circuit, or in the Alternate, a Motion for  
8 Reconsideration," **ECF No. 313**, is **DENIED**.

9 The District Court Clerk is directed to file this Order and provide copies to  
10 counsel and *pro se* Defendant Louis Daniel Smith.

11 **DATED** this 21st day of May 2014.

12  
13 *s/ Rosanna Malouf Peterson*  
14 ROSANNA MALOUF PETERSON  
15 Chief United States District Court Judge  
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